

REMARKS

Claims 38-68 are currently pending in the application. Claims 39-68 are canceled herein. No new matter is believed to be added by these amendments. In the Office Action issued September 7, 2005, the Examiner indicated that claim 38 was allowable. Therefore, pursuant to the following remarks, Applicant respectfully requests entry of these amendments, reconsideration of the application and allowance of claim 38 to issue.

Rejection Under 35 U.S.C. § 112, first paragraph

The Office Action states that the rejection of claims 38, 41, and 42 under 35 U.S.C. § 112, first paragraph, for scope of enablement is withdrawn over claim 38 and maintained over claims 41-42. Although Applicant believes that claims 41-42 are adequately enabled, in order to advance prosecution, claims 41-42 are canceled herein, thus rendering this rejection moot.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has maintained the rejection of claims 39-40, and 43-68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent No. 5,891,432 (1999) in view of Banerji et al. (1983) *Cell*, Vol. 33, 729-740. Although Applicant believes that these claims are unobvious over U. S. Patent No. 5,891,432 in view of Banerji et al., in order to advance prosecution, claims 39-40 and 43-68 are canceled herein, thus rendering this rejection moot.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1,190.00, representing \$795.00 for the Four Month Request for Extension of Time under 37 C.F.R. § 1.17(a)(4) for a small entity, \$395.00 representing the Request for Continued Examination (RCE) Fee under 37 C.F.R. § 1.17(e) for a small entity and an Amendment are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

A handwritten signature in black ink, appearing to read 'Lizette M. Fernandez', is written over a horizontal line.

Lizette M. Fernandez, Ph.D.
Registration No. 46,694

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)